

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
THURSDAY, JULY 8, 2004, 1:00 P.M.**

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**CALL TO ORDER**

Betty Willert, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Betty Willert, Chairperson  
Ellen Gennrich  
Pat Haukohl  
Walter Kolb  
Walter Baade

Commission

Members Absent: Mareth Kipp

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager  
James Kavemeier, Parks System Manager  
Pam Linn, Senior Landscape Architect  
Amy Barrows, Senior Land Use Specialist  
Peggy Pelikan, Land Use Specialist  
Sherrie Villarreal, Clerk Typist III

Guests Present:

J. Gean  
David Miller  
Cory Reichert  
Larry Kassens  
John Schweitzer  
Tom Lorenz  
Mike Bertrand  
Holly Maule

**PUBLIC COMMENT**

Chairperson Willert asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

• **May 20, 2004 Minutes**

*Mr. Kolb moved, seconded by Mr. Baade and carried unanimously, for approval.*

• **June 3, 2004 Minutes**

*Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval.*

• **Schedule October, November and December 2004, Commission Meeting Dates**

<b>October</b>	<b>7</b>	<b>28</b>
<b>November</b>	<b>4</b>	<b>18</b>
<b>December</b>	<b>2</b>	<b>16</b>

- **CU-1364 (Annette Mayfield, Lucky Dog! Dog Day Care) Town of Genesee, Section 27**

Mr. Mace presented the “Staff Report and Recommendation” dated July 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for a dog day care business.

There was discussion that the property was too small to meet the zoning requirements to allow the dog day care center (kennel), which was why the Town denied the request.

*After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for denial in accordance with the “Staff Report and Recommendation”.*

- **PO-04-GNT-03 (Annette Mayfield, Lucky Dog! Dog Day Care) Town of Genesee, Section 27**

Mr. Mace presented the “Staff Report and Recommendation” dated July 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for a dog day care business.

See Conditional Use No. CU-1364 for discussion.

*Mr. Baade moved, seconded by Mrs. Haukohl and carried unanimously, for denial in accordance with the “Staff Report and Recommendation”.*

- **CU-1358 (Jerome Koehler) Town of Lisbon, Section 5**

Mr. Mace presented a “letter dated January 28, 2004 to Mr. Koehler (advising of the time for completion deadline)” and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a time extension for the completion of earth-altering activities, restoration and installation of all vegetation/landscaping from July 15, 2004, to September 15, 2004 (Town’s Condition No. 8).

Mrs. Haukohl asked if part of the berm had to be moved? Mr. Mace replied the petitioner had to move parts of the berm out of the ingress/egress area and didn’t apply for the permit as soon as he was told. He stated the petitioner is completing much of the work himself and did not hire a contractor, which also requires more time.

*After discussion Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously to approve, the extension of the time of completion to September 15, 2004, which will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

## **SCHEDULED MATTERS**

- **1:15 p.m. (Retzer Nature Center Update) by Pam Linn, Senior Landscape Architect**

Mr. Kavemeier addressed the Commission and pointed out that Mrs. Linn would be giving the presentation today. Mrs. Linn presented plans of the Retzer Nature Center building addition and pointed out the location of the parking lots, the learning center and the planetarium. She pointed out the covered patio which is to the left of the building, the gift shop and where the receptionist area was to be located. She located the kitchen facilities and stated the buildings provide many options where different school groups could utilize the facilities at one time. Completion of the project is expected to be in February 2005, with a grand opening in spring 2005. No action was required.

- **PO-04-VNT-03 (Waukesha Packaging Supply, Inc.) Town of Vernon, Section 1**

Mr. Mace presented the "Staff Report and Recommendation" dated July 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for an office, warehouse and distribution center for packing materials.

*After a brief discussion, Mrs. Gennrich moved, seconded by Mrs. Kipp and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-GNT-23 (Reformation Evangelical Lutheran Church) Town of Genesee, Section 20**

Mr. Mace presented the "Staff Report and Recommendation" dated July 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for approval of the Parking and Lighting Plans and building addition.

Mr. Miller (representing the petitioner, from Anderson-Ashton, Inc.) introduced himself. He stated the existing parking lot contains 74 parking stalls and 29 stalls have been added and indicated that the parking area in the future could be expanded toward the soccer fields to the west. The entire building would be wrapped in brick and limestone, which will be a substantial upgrade in the appearance. There was discussion with regards to the amended Landscape Plan which must include additional plant material partially screening the sanctuary addition from the intersection of C.T.H. "D" and C.T.H. "E".

*After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the "Staff Report and Recommendation".*

*There was additional discussion with regards to the modification of Condition No. 4 of the "Staff Report and Recommendation".*

*Mrs. Houkohl then moved to open the motion, seconded by Mrs. Gennrich to modify Condition No. 4 to state the following: "A Certified Survey Map be submitted and approved by the Town of Genesee Board and the Waukesha County Department of Parks and Land Use Planning and Zoning Division Staff, combining the two lots which are necessary to accommodate the required parking, to be completed prior to occupancy of the new building." The motion as amended was carried unanimously. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-GNT-23 (Cory's Auto Repair) Town of Genesee, Section 22**

Mr. Mace presented the "Staff Report and Recommendation" dated July 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for the maintenance and repair of automobiles and light-duty trucks located in the north building.

Chairperson Willert asked what conditions have not been met? Mr. Gean (property owner) said he has met all conditions, except for the trees which are to be planted on the east side of the property. The Town requested 4 ft. evergreens on the east side of the property and stated there is an uncontrolled railroad track crossing on Brookhill Road. He expressed concerns that the height of the trees would block the view on the railroad track because there were no crossing lights and was working with the Town on revised Planting Plans based upon this issue.

Chairperson Willert asked if there were photographs of the site? Mrs. Barrows (Senior Land Use Specialist) stated there were current photographs, but they were not processed. She stated the site looks the same, with the exception of the grading down by the waterway along the south lot line and noted the area has been cleaned since the photographs were taken. She said the building which will house the auto-repair shop has construction equipment outside. Mr. Gean replied that Equiptech will move into the south side of the building.

There was discussion with regards to drainage and Mr. Gean said grading was completed by a neighboring property owner without permission, who dredged an existing ditch to maintain positive drainage on his lot. He noted he incorrectly received a violation letter for the digging, which should have been sent to his neighbor and said not only does he have to take on the water across the road, but also from the neighbor. His neighbor graded three times without permission and he pointed out he had called the Waukesha County Sheriff to stop the grading. The following Sunday, the neighbor graded once again. Mr. Gean said, from thereon, the matter was under investigation with Mr. Barrows (Senior Conservation Specialist). (Mr. Gean is responsible for the grading activities since he owns the property where such activities are occurring.)

Chairperson Willert asked Mr. Gean if he had a problem with the conditions of the "Staff Recommendation"? Mr. Gean replied he accepted the conditions and the only item which needed to be resolved was the screening on the east side of the property with evergreen trees, which needs to be worked out with the Town Planner, Jeff Herrmann. There was discussion with regards to the time extension of the landscaping in Condition No. 7 of the Town's conditions (Exhibit "A" of the "Staff Report and Recommendation", which was changed from October 1, 2004, to November 1, 2004. Mrs. Barrows stated this condition and time extension was for Altama LLC at the Town level only. She pointed out that the petitioner, at the County level, still needs to apply for an amended Site Plan/Plan of Operation Permit for Altama LLC and Equiptech, because the business locations were moved to a different building or reduced in size. Mrs. Barrows said an application for Corey's Oil was submitted, but not for Altama LLC and Equiptech. She indicated the conditions for all three businesses would be about the same, and suggested the petitioner work on complying with those conditions with the Town/County and apply for the appropriate permits with the County.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **PO-04-MRTT-01 (Corey Oil, Ltd.) Town of Merton, Section 16**

Mr. Mace presented the "Staff Report and Recommendation" dated July 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for approval of a warehouse/office building for the wholesale distributor and the existing single-family residence.

Mr. Schweitzer (petitioner), Mr. Kasten (architect) and Mr. Lorenz (contractor) were present and came to the table to address the Commission. The Commission reviewed the plans/photographs. The petitioner indicated he sells lubricants (motor oil, etc.) The Commission discussed the Interior Floor Plan and where the parking was located, as well as the Containment Plan.

Chairperson Willert asked why was there a two-year condition for landscaping (Condition No. 11 of "Staff Recommendation)? Mr. Schweitzer replied they are proposing a rather nice area where the city Christmas tree would be placed and a retaining wall with a clock placed in the middle, which will be aesthetically pleasing to residents and visitors of the area, and needed more time to work out details with the Town. Mrs. Haukohl had concerns with regards to a Stormwater Management and Erosion Control Permit being required/approved (Condition No. 6 of "Staff Recommendation"). Mr. Schweitzer noted that Landcraft Survey is presently working on that issue. Mrs. Haukohl also had concerns with Condition No. 9, which requests that a report regarding the materials/chemicals on the property be submitted by the Fire Department. Mr. Schweitzer indicated a list would be submitted describing the types of oil and grease, etc., which would be stored on the property.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-GNT-24 (Genesee Mechanical Service) Town of Genesee, Section 27**

Mr. Mace presented the "Staff Report and Recommendation" dated July 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit to construct a 40 ft. x 50 ft. addition to an existing structure used for the operation, a new fenced-in area for storage and a new free-standing sign.

Mrs. Gennrich asked why did the Town table the matter? Ms. Pelikan (Land Use Specialist) replied the Town Planner's report recommended denial, because they were not sure if the building addition was considered the same use as the existing building. She said the Planning and Zoning Division Staff determined that the use is the same type of operation. The Town tabled the matter to rewrite their recommendation.

There was discussion with regards to signage, whereby the Commission agreed to modify Condition No. 6 of the "Staff Report and Recommendation" to read as follows: "The five 36 in. x 24 in." signs and any free-standing signs must be removed within 30 days of the installation of the new 6 ft. x 4 ft. sign (on the west side of the new addition) and the relocation of one of the 8 ft. x 4 ft. signs (located on the south side of the existing 960 sq.ft. building) or no later than September 1, 2004."

*After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Report and Recommendation" and subject to Condition No. 6 being modified as follows: "The five 36 in. x 24 in." signs and any free-standing signs must be removed within 30 days of the installation of the new 6 ft. x 4 ft. sign (on the west side of the new addition) and the relocation of one of the 8 ft. x 4 ft. signs (located on the south side of the existing 960 sq.ft. building) or no later than September 1, 2004." The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-OCOT-18 (Bertrand's Point Comfort Place) Town of Oconomowoc, Section 35 & 36**

Mr. Mace presented the "Staff Report and Recommendation" dated July 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting to update his existing Site Plan/Plan of Operation to include the construction of an 18 ft. x 24 ft. garage, the addition of a 13 ft. x 33 ft. concrete patio and enlarge an existing deck.

Mr. Bertrand went over his plans with the Commission and pointed out the location of the concrete slab which would allow outside dining, the garden area and the garage. Mrs. Gennrich asked if everything on the plans was a minimum of 75 ft. from the shore? Mr. Bertrand replied the Site Plan indicates the 75 ft. setbacks and meets the standard. He pointed out in the "Staff Analysis" it states that the required setback is 35 ft. from the established road right-of-way, whereby he is 34.1 ft. from the established road right-of-way or 67 ft. from the centerline, and asked if he was grand-fathered in (he is .9 ft. over the required setback)? Mr. Mace replied it was possible the Town could modify the street right-of-way along Wisconsin Avenue to retain the existing 49 ½ ft. right-of-way because it was done on other Town roads. He said, "They can't do it from the round-about east, but could consider doing it west of the round-about which would resolve this issue." Mr. Mace said because there is sewer, curbs and gutters, he didn't feel the Town needs 66 ft. unless there were plans for additional parking lanes, etc. He indicated a Variance was necessary for the additions if the right-of-way remained at 66 ft.

Mr. Bertrand asked if he was required to apply for a Variance for the sign facing the lake (the sign was there since the building was built). Mrs. Barrows said the sign has been there a long time, but in reviewing old files etc., official approval for the sign was not found. Mr. Mace stated the petitioner may need to apply for a Variance, but may have a decent case if he shows evidence of the old sign being present. Mr. Mace advised the Commission not to forget that the principle purpose of the shoreland regulations is to preserve and protect the shoreline beauty to the greatest extent possible and signs do not do that. He said if the petitioner could move the sign 75 ft. from the lake it would be acceptable, but in any event, the petitioner would need to legalize the sign or build a different sign at an appropriate location.

***After discussion, Mr. Baade moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.***

- **SCS-929 (Albert Gagliano) Town of Eagle, Section 33**

Mr. Mace presented the "Staff Memorandum" dated July 8, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting the creation of a "Lot not abutting a public road". The proposed Certified Survey Map indicates there shall be no vehicular access to S.T.H. 67, therefore, although the proposed northern lot has frontage on S.T.H. 67, it must be considered as a lot not abutting a public road because the only access will be via the 33 ft. wide strip of land connecting to Betts Road.

***After a brief discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Memorandum". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.***

- **Appointment of the Nominating Committee for the election of the Park and Planning Commission Officers**

Chairperson Willert appointed Mrs. Gennrich, Mrs. Kipp and Mr. Baade as the Nominating Committee.

**ADJOURNMENT**

***There being no further business to come before the Commission, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, to adjourn at 3:00 p.m.***

Respectfully submitted,

Mareth Kipp  
Secretary

MK:smv

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